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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92045849
Party	Plaintiff PRIMEPAY, INC.PRIMEPAY, INC.  PRIMEPAY, INC. 596 LANCASTER AVENUE MALVERN, VA 19355 UNITED STATES
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Submission	Opposition/Response to Motion
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Date	07/17/2006
Attachments	Petitioner's Response In Opposition to Motion For Suspension In View of Civil Proceedings.pdf ( 2 pages )(66381 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PRIMEPAY, INC.,

Petitioner,

vs.

PRIMEPOINT, LLC,

Respondent.

Cancellation No. 92045849

**PETITIONER'S RESPONSE IN OPPOSITION TO RESPONDENT'S  
MOTION FOR SUSPENSION IN VIEW OF CIVIL PROCEEDINGS**

Petitioner, by the undersigned counsel, opposes suspension of these proceedings pending the outcome of the separate civil proceeding between the parties in New Jersey. Suspension of a Board proceeding pending the final determination of a civil proceeding is solely within the discretion of the Board. *See, Opticians Ass'n of America v. Independent Opticians of America Inc.*, 734 F. Supp. 1171, 14 USPQ2d 2021 (D.N.J. 1990).

Petitioner submits that the issue of fraud in the procurement of a trademark registration, which is one of the grounds stated in the petition for cancellation of the subject registration, is an issue to which the Board is uniquely situated to decide and is a reason not to suspend these proceedings.

WHEREFORE, Petitioner requests that Respondent's motion for suspension be denied.

Respectfully submitted,

Mark Lebow

Mark Lebow

Attorney for Petitioner

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Petitioner's Response In Opposition  
To Respondent's Motion For Suspension  
In View of Civil Proceedings  
Cancellation No. 92045849

**CERTIFICATE OF SERVICE**

I hereby certify the foregoing Petitioner's Response In Opposition To Respondent's Motion For Suspension In View of Civil Proceedings was sent by first class mail, postage prepaid, to Jordan LaVine, Esq. Attorneys for Petitioner, Flaster/Greenberg P.C., 1628 John F. Kennedy Blvd., Suite 1500, Philadelphia, PA 19103 this 17th day of July 2006.

Mark Lebow  
Mark Lebow